

Ontario Energy
Board
P.O. Box 2319
27th Floor
2300 Yonge Street
Toronto ON M4P 1E4
Telephone: 416- 481-1967
Facsimile: 416- 440-7656
Toll free: 1-888-632-6273

Commission de l'énergie
de l'Ontario
C.P. 2319
27e étage
2300, rue Yonge
Toronto ON M4P 1E4
Téléphone: 416- 481-1967
Télécopieur: 416- 440-7656
Numéro sans frais: 1-888-632-6273



Direct: (416) 440-7672
E-mail: maureen.helt@oeb.gov.on.ca

BY EMAIL

August 10, 2010
EB 2010-0221

Ms. Kirsten Walli
Ontario Energy Board
Yonge-Eglinton Centre
P.O. Box 2319, Suite 2700
2300 Yonge Street
Toronto ON M4P 1E4

Dear Ms. Walli:

Re: Notice of Intention to Make an Order for Compliance, Suspension and Payment of an Administrative Penalty against Summitt Energy Management, EB 2010-0221

This letter is intended to address a request made by the University of Western Ontario Community Legal Services ("UWO") to intervene in the above noted proceeding and a Letter of Comment filed by RiteRate.

The intervention request and letter of comment must be placed in context. This proceeding is not a rate proceeding or policy review where the interests of stakeholders, generally, stand to be affected. It is a compliance proceeding in which Compliance Counsel seek an order under s. 112.3, 112.4 and 112.5 of the *Ontario Energy Board Act, 1998* ("the Act") that a particular licensee, Summitt, undergo a suspension of its licence, be subjected to specific conditions to ensure compliance with certain "enforceable provisions", as defined in the Act and, that it pay an administrative penalty and take other measures to remedy contraventions that are alleged to have occurred.

Compliance Counsel takes the position that UWO should not be granted intervention status and that Riterate's letter of comment not form part of this proceeding. The intervention of non-parties and letters of comment are generally not appropriate in compliance or enforcement proceedings which are brought in the public interest.

Compliance Counsel also gives notice that it intends to respond to the Notice Of Motion filed by Summitt very shortly, by filing a document brief and Written Submissions. Compliance Counsel does not believe that cross examinations are required on the Affidavit that has been filed by Summitt.

Yours truly,

A handwritten signature in blue ink, appearing to read 'M. Helt', is written over the 'Yours truly,' text.

Maureen Helt

cc: Stephen Selznick, Counsel to Summitt
Marc Mercier, Counsel to Summitt
Faiz Hirani, University of Western Legal Services (clsinfo@uwo.ca)
Brian Wikant, Riterate (brian@riterate.ca)